

Administrative Order No. 71

Date: January 2014

To: All City Departments

From: Kevin Crawford, Interim City Manager

Subject: **Park and Facility Use Policies and Procedures**

Reference: Council Policy No. 28, Parks & Recreation Department Master Fee Schedule

A. PURPOSE AND BACKGROUND

1. To establish processes and procedures for the use of City of Carlsbad (“city”) parks and recreation facilities (“facility”). Administrative Order 71 was created to implement policies and procedures for park and facility use, and to provide services information to the public.

B. POLICY

1. There is a high demand for use of parks & recreation facilities for a wide variety of uses. The following procedures have been established to guide staff and provide acceptable parameters for the use of parks & facilities.

C. PARK AND FACILITY USE APPLICATION FOR RENTAL PERMIT

1. The Parks & Recreation Department (“department”) is responsible for the implementation of this Administrative Order.
2. Park and facility use requests shall be submitted to the department on a City of Carlsbad Park and Facility Use Application for Rental Permit (“application”) form available from the City’s website at (<http://www.carlsbadca.gov/recreation>) or by contacting the department directly.
3. Applications for use of parks and facilities, along with full rental payment or nonrefundable application fee shall be required at the time of application submittal. The application and application/rental fees may be submitted in person or mailed to any City of Carlsbad parks & recreation facility.
4. Applications are processed in the order received.
5. Fees will be charged pursuant to the approved parks & recreation master fee schedule and by the authority of the city manager.



6. Applications will be reviewed, categorized, and processed by the department.
7. A nonrefundable application fee or rental fee payment in full is required and is due at time of application submittal.
8. The application fee will be applied to the total cost of the rental and will not be refunded if the reservation is canceled. If the total rental fee is less than the amount of the application fee, the difference will be refunded after the rental has occurred.
 - Exception: resident nonprofit, unpaid management – where no fee is required
9. For user initiated cancellations, where rental fees were paid by personal check, a check processing fee will be charged in addition to the nonrefundable application fee.

D. GENERAL APPLICATION PROCEDURES AND POLICIES

1. In the event of a cancellation less than 30 calendar days in advance of registration date the applicant will forfeit all rental fees paid.
2. In the event of a cancellation (with the exception of Leo Carrillo Ranch which requires 90 calendar days notice of cancellation) by the applicant 30 calendar days or more in advance, the applicant will forfeit 50% or more of fees.
3. A “no show” fee will be assessed to resident nonprofit unpaid management users that schedule a meeting room (rooms identified at no charge) and provide less than twenty-four (24) hours notice of cancellation.
4. All checks and money orders for rental fees are to be made payable to the City of Carlsbad.
5. Applications will be accepted for specific locations, dates, and times. Time requested must include all set up and clean up time.
6. Applications should be submitted at least 30 calendar days in advance of the date requested. For applications submitted less than 30 calendar days in advance, these applications may be reviewed and accommodated subject to:
 - Facility and staffing availability; and,
 - All other necessary approvals are obtained within the available time before the requested facility use date
 - Payment in full of all rental fees

7. Upon review of the application, department staff will determine if a certificate of liability insurance will be required for the activity at the requested facility.
8. Applications are accepted for the current calendar year. Applications for the upcoming year will be accepted beginning December 1st of the year prior to the requested reservation date. Certain exceptions to this subsection may be made by the department director or designee, depending on park or facility scheduling and availability.
9. Applications for Leo Carrillo Ranch Historic Park will be accepted up to 24 months in advance of the requested reservation date.
10. Safety Center Palowski and Fox meeting rooms are available for rental Monday through Friday 2 p.m. to 10 p.m., and Saturday 8 a.m. to 5 p.m.
11. In the event of a major city emergency, the Safety Center meeting rooms may need to be used by city officials. Groups scheduled to use the rooms will be preempted during that time. A full refund of application fee and rental fees, collected, or rescheduling of the canceled meeting will be arranged.
 - Department personnel will process Safety Center meeting room applications no more than thirty (30) calendar days in advance. Police, fire, and other city departments will have first priority to use the conference rooms.
12. Facilities (with the exception of parks, Alga Norte Park Aquatic Center and the Monroe Street Pool) will be closed on all city observed holidays. The Monroe Street Pool and Alga Norte Park Aquatic Center will be closed only on Thanksgiving, Christmas, and New Year's Day.
13. An extra staffing fee is required for all recreation use outside of regular hours of operation and when staff is needed to support the rental. See City of Carlsbad Facility Use Regulations for park and facility operating hours.
14. Applications will be approved for specific rooms, park areas, athletic fields, and pool lanes depending on group size, type of activity and availability. No activity shall be permitted or scheduled for more than the maximum room or facility capacity.
15. The department may refuse an application, or deny to issue or cancel any rental permit ("permit"). Written notices of denial or cancellation, with an appropriate explanation, will be provided by the department director or designee. Grounds for the denial of an application may include, but are not limited to:

- Unsatisfactory prior use by applicant or organization
 - Hazardous condition exists
 - Application was submitted less than 30 calendar days in advance
 - Nonpayment of application fee or rental fees by due date
 - Higher priority activity taking place
 - Groups that have previously not given timely cancellation notice of activity
 - Applicant is under 18 years of age
 - Special event permit application (when required) was submitted less than 90 calendar days in advance
 - Refusal to consent to the special events committee's specific conditions or restrictions for the event
 - Failure to obtain a special event permit
 - Failure to submit timely and acceptable insurance documents
16. The department reserves the right to limit the number of daily, weekly, or monthly park and facility uses by any one group or organization so that the entire community may make use of the limited parks and facilities available.
17. An approved permit issued by the department director or designee will be proof of a confirmed reservation.
18. On the day of the park or facility rental and during the entire rental agreement period, applicant or designated day of event contact person ("event contact") must be present and have in their possession a copy of:
- Facility use regulations
 - Submitted application form
 - Signed and approved permit
 - Valid identification (driver's license, passport, military ID card)
 - Special event permit, if required
19. If the applicant or event contact is not at the event or does not have copies of the items listed above, the event may be terminated. Any financial investment or preparation for an event, prior to permit approval, is solely at the applicant's risk.
20. For permits, the department director or designee may impose additional requirements on the applicant as a condition of approval. These additional requirements may include, but are not limited to:

- Additional security guards
 - Additional city staff
 - Additional insurance or specialized insurance
 - Special events permit application
 - Proof of additional permits or licenses (e.g. Health Department or Alcoholic Beverage Control)
21. Costs incurred for additional imposed requirements shall be the sole responsibility of the applicant.
 22. Upon notice of cancellation, or any financial obligations incurred by the city to accommodate the applicant or event, the applicant will be invoiced and must pay the outstanding balance within seven calendar days of the date of the invoice.
 23. All groups must be under the direction or control of their own leadership. There must be at least one adult present and responsible for each twenty minors and the minimum number of adults must be present at all times. Minors are defined as those under the age of 18, except in the case where alcohol is served, when minors are defined as those persons under the age of 21.
 24. At the Alga Norte Park Aquatic Center and Monroe Street Pool, there must be at least one adult present and responsible for each twenty minors on deck. For every eight children (age eight or younger) in the pool, there must be one adult in the pool and capable of swimming. Exceptions may be made with written permission by the department director or designee.
 25. Organization membership rosters may be used to assist in determining Carlsbad residency and the appropriate classification category for the use of parks and facilities. Once the determination has been made and approved by the department director or designee, the determination is final for that season and the membership rosters will be returned to the organization.
 26. All park and facility rentals will be charged for the total hours used, including set up and clean up time.

E. INSURANCE REQUIREMENTS

1. The applicant shall provide evidence of commercial general liability insurance in a form acceptable to the risk manager (and additional coverage(s) as appropriate for the activities of the park or facility use), naming the City of Carlsbad as an additional insured, and with a coverage amount to be determined by the risk manager according to the size and risk factors of the event.

2. Commercial general liability insurance (GCL) including athletic participant coverage (where applicable) with a minimum limit of \$1 million per occurrence is required. The athletic participant coverage limit must be the same as the GCL, i.e., a lower sub-limit will not be accepted.
3. Commercial general liability insurance (GCL) including liquor liability coverage with a minimum limit of \$2 million per occurrence is required when an event includes alcohol. The liquor liability coverage must be the same as the CGL, i.e., a lower sub-limit will not be accepted.
4. The risk manager may impose a higher amount for insurance depending upon additional risk factors. This coverage must be primary, without contribution from the city.
5. An insurance checklist providing details to assist applicants with insurance requirements and documents is provided with facility use applications.

F. APPEAL PROCEDURES FOR APPLICATION DENIAL OR REVOKED PERMIT

1. Any person, organization or group believing to have been aggrieved by decisions relating to any action taken by department staff may appeal in writing with supporting documentation and within 10 calendar days of date the action was taken by staff to the Recreation Services Manager.
2. The Recreation Services Manager shall review the appeal and submission and obtain staff reports. Thereafter, a written decision will be mailed to the appealing party within 15 calendar days.
3. That decision may be appealed in writing and within 10 calendar days from the date of the Recreation Services Manager's decision to the department director. The department director shall review the matter, together with all supporting documents, and issue a written decision within 15 calendar days following the receipt of a written request for an appeal. That written decision shall be mailed to the appealing party.
4. The department director's decision is final.

G. FACILITY PROCEDURES AND POLICIES

1. The applicant shall be required to pay in full any additional rental fees, cleaning, replacement, repairs, damages or loss to park, facility or equipment to pre-event condition.

2. If additional rental time is added to the event, damage occurs or additional cleaning is necessary, the applicant shall be invoiced and pay the outstanding balance within seven calendar days of the date of the invoice.
3. The full rental fee is due 30 calendar days before scheduled use.
4. An application modification fee will be charged for any modifications after a permit has been approved.
5. Permit applicants that have been approved in writing by the department director or designee may be issued a key for access to off-site facilities:
 - Applicant is responsible for securing the facility when leaving
 - Applicant shall surrender the key upon demand by the department
 - In the event a key is not returned to the department for any reason the applicant shall be responsible for all costs related to re-keying the facility if necessary
 - No duplication or sharing of keys is allowed
6. Applicant or Event Contact is responsible for the following clean up at the end of their event:
 - Cleaning of all equipment used
 - Cleaning of any counter areas used
 - Cleaning and wiping of all tabletops used
 - Cleaning of any floor or carpet areas soiled or dampened
 - Cleaning of the kitchen and all amenities used (i.e. refrigerator, stove, oven, sink, etc.)
 - Putting all trash and recyclables in proper receptacles
 - Removal of all equipment supplies, personal articles, displays, etc., immediately following clean up
7. Proper clean up shall be determined by the department, based upon the conditions of facility report created before and after the event.
8. Department equipment (tables, chairs, public address system, and kitchen supplies) is available for use in the facilities, but may not be removed to any other location without prior written authorization by the department director or designee.
9. No alterations to or use of: duct, masking, or electrical tape, nails, staples, etc. are permitted in any facility without written permission of the department director or designee.

10. Stagecoach and Calavera Community Centers/Gymnasiums:
 - Gymnasium use will not be approved or allowed when other facilities are deemed more suitable for the requested use
 - No food, beverages, or hard sole shoes allowed
 - Floor cover will be in place for all events other than sports
11. Scout groups in Carlsbad have first priority for use of Scout House, at no fee. Scout troops must submit an application to the department. An approved permit is valid only from September through June. If summer use is needed, a separate application must be submitted.
12. The throwing or use of confetti, birdseed, rice, silly string, etc. is prohibited. The use of hay and straw will not be allowed except at Leo Carrillo Ranch Historic Park with written permission by the department director or designee.
13. A three hour minimum facility rental period is required, except with the written permission of the department director or designee.

H. PARK PROCEDURES AND POLICIES

1. Designated group picnic areas and open space can be reserved by individuals, organizations or businesses.
2. Hourly fees charged will be based on classification category and amount of time requested.
3. Organized events at parks will be charged an open space fee.
4. Park areas not reserved will be available for public use on a first come, first served basis.
5. No vehicles or trailers are permitted on grass, natural turf, or synthetic areas.
6. Car shows are not allowed on grass, natural turf, or synthetic turf areas. Car shows will be allowed in authorized parking spaces at the park as designated by the department director or designee.
7. Only those businesses that have an approved permit and current City of Carlsbad business license may operate their business in any park.
8. Any “inflatable party jumps” (also known as jump houses, and bouncy houses) set up in a park or facility must:

- Have an approved permit from the department
 - Be provided by a vendor from the approved list of vendors on file with the City of Carlsbad
 - Pay the permit fee for each inflatable party jump
 - Only be set up in designated areas approved by department staff
 - Use “quiet rated” gas generators where an electrical outlet is not available
 - Place generators on a plywood board that is larger than the footprint of the generator
 - Be no larger than 15 x 15 feet in diameter, except with the written permission of the department director or designee
9. A limited number of inflatable party jumps will be approved per facility. Inflatable party jumps without a permit must be taken down immediately.
10. City owned tennis courts may not be reserved and are available on a first come, first served basis with the exception of organized tournament play at Carlsbad High School tennis courts.
- Commercial lessons are prohibited
 - One set of singles or two sets of doubles may be played when others are waiting for court availability
 - Waiting players must remain in person at court desired
11. Tournament play is not allowed at Poinsettia, Calavera, Stagecoach, La Costa Canyon and Laguna Riviera tennis courts.
12. Radio controlled/model aircraft use:
- Aircraft must meet the Academy of Model Aeronautics (AMA) definition of a “park flyer model”
 - Pilots must be a current member in good standing of the AMA Park Flyers Program, and agree to obey the AMA National Model Aircraft Safety Code
13. A three hour minimum park rental is required except with the written permission of the department director or designee.

I. ATHLETIC FIELD PROCEDURES AND POLICIES

1. The City of Carlsbad has first priority in reserving use of athletic fields.

2. Community sports organizations that qualify as a resident nonprofit, nonpaid management group are invited to the athletic field allocation meetings prior to their regular season. These meetings are held typically in October - November and May - June each year (see nonprofit user criteria, section N).
3. All sports organizations not previously recognized as resident, nonprofit, nonpaid management must comply with the department's nonprofit user criteria. This proof of nonprofit status needs to be verified by the Department designee a minimum of 90 calendar days prior to the athletic field allocation meeting.
4. All new and existing resident nonprofit sports organizations ("RNPSO") must complete the RNPSO athletic field use application for field use 75 calendar days prior to the field allocation meeting.
5. A minimum of 215 registered participants (70% of which must be Carlsbad residents) per sport by one governing association is required to constitute a league.
6. The department director or designee will determine athletic field allocations if league representatives are unable to reach an agreement.
7. Thirty calendar days prior to the athletic field allocation meetings, community sports organizations are required to submit their projected athletic field needs for their upcoming season. Projected athletic field needs should include preseason, opening day, practices, regular season games, and proposed tournaments.
8. Baseball/softball organizations will have priority in the spring season: January 15 – July 15; and Soccer and Pop Warner football will have priority in the fall: July 16 – January 14.
9. The department recognizes that many of the RNPSOs have both an organized competitive and recreational level of play within their sports sections. In order to establish and maintain a resident nonprofit, nonpaid management status all RNPSOs must have a minimum of 50% of its members and league play devoted to a recreational level of play and be coached by volunteers. Organizations that don't meet this percentage of recreational level of play will be assigned a lower priority category status.
10. All RNPSOs are required to submit their membership rosters 90 calendar days prior to the field allocation meeting in order to prove residency status. Department staff uses the previous year's final resident membership figures submitted by each organization to assist in determining the current year's allocation of fields.

11. If a resident nonprofit, nonpaid management organization does not meet and maintain the 70% residency requirement for participants; the group will be assigned a lower category status and charged applicable fees for athletic field use.
12. Approved proof of liability insurance is required 30 calendar days prior to actual use of athletic fields.
13. Requests to use a snack bar facility need to be submitted at the semiannual athletic field allocation meetings. If the operation of the snack bar is subcontracted by the league to an outside business or individual, then written permission from the league, a City of Carlsbad business license, and appropriate liability insurance is required.
14. An additional fee will be assessed to each nonresident player on teams and resident nonprofit organizations that reserve athletic fields in excess of 30 calendar days per season.
15. RNPSO has first priority for reserving athletic fields and use of the batting cage where applicable.
16. Resident nonprofit sports organization tournament.
 - A resident organization tournament is defined by the department as a culminating event in which multiple teams compete, and advance as they win their scheduled contests. There are tournaments that are structured as culminating events to the end of a regular season as a means of establishing a champion of a specific league. In this example, the same participants who participated throughout a season are matched against each other in a playoff format. There are no athletes or teams participating in this tournament that did not participate in a Carlsbad league during league play and there are no additional entry fees charged for public attendance or for teams playing in the tournament.
17. Resident nonprofit sports organization host-invitational tournament
 - An invitational tournament is interpreted by the department as a tournament that includes athletes/teams of multiple organizations (resident or nonresident). The host resident organization will charge entry fees to participating teams in the tournament, but not for the public to attend. These tournaments are often used as fundraisers or special events, and fees may be charged subject to the department's master fee schedule.

18. Prior to approving a permit, the applicant will be required to provide evidence of insurance covering tournament play.

J. PARK AND FACILITY RENTAL SPORTSMANSHIP PROGRAM CRITERIA

1. In order to promote the importance of good sportsmanship and ensure that Carlsbad parks & recreation programs, parks and facilities are and will remain safe places to gather, all sports organizations that request to use facilities are required to provide their membership with appropriate sportsmanship training.
2. Prior to application approval, department staff will review the sportsmanship training programs used by the applicant organizations for appropriateness.
3. All organizations not promoting a sportsmanship program as part of its organizational activities must sign and agree to abide by the City of Carlsbad Parks & Recreation Department Code of Conduct prior to obtaining authorization to utilize parks or facilities.
4. If organizations wanting to rent parks or facilities do not have active sportsmanship programs, selected representatives of the organization will be required to attend a presentation on Carlsbad's Teaching Respect, Unity, and Sportsmanship through Teamwork ("T.R.U.S.T.") program. T.R.U.S.T. promotes the philosophy of good sportsmanship which is actively embraced by the city in all of its programming.

K. ATHLETIC CAMPS/CLINICS PROCEDURES

1. An application and permit is required for any proposed athletic camp or clinic. Applications for athletic field use during the summer months will be accepted from December 1st through December 31st. Summer months are defined as June 15th through August 31st.
2. During summer months, athletic fields may be reserved from 8 a.m. to 3:30 p.m.
3. Permit approval is contingent on appropriate insurance being approved by the risk manager, and rental fees and cleaning/damage deposit being paid.
4. For winter, spring and fall athletic camps or clinics, applications will be accepted six months in advance of the requested date of the athletic camp or clinic.
5. Department staff will review requests and determine field assignments. If scheduling conflicts occur, staff will contact organizations involved to work out a solution.

6. Athletic field assignments are not official until a permit has been approved and issued by the department director or designee, and is returned to applicant.

L. LEO CARRILLO RANCH HISTORIC PARK APPLICATION PROCEDURES

1. Leo Carrillo Ranch is a national historic site and must be respected for its continued preservation.
2. Applicant must agree to sign and adhere to Leo Carrillo Ranch Historic Park facility rental pricing guidelines and procedures.

M. SENIOR CENTER PROCEDURES

1. Senior Center is available for rental after 5 p.m., Monday through Friday, and after 8 a.m. on Saturday and Sunday. On Friday and Saturday nights, facility rentals must end by 12 a.m., with a departure time no later than 1 a.m. Monday through Thursday and on Sundays, facility rentals must end by 10 p.m., with a departure time not later than 11 p.m.
2. Limited seating re-configuration for dining room rentals will be considered. Set up for head tables and buffet lines are acceptable.
3. Displayed decorations or pictures are not to be removed from dining room. Removal of any decorations without prior written approval by senior center staff may result in the assessment of fees.
4. A three hour minimum rental required except with written permission of department director or designee.

N. ALGA NORTE PARK AQUATIC CENTER

1. Applicant must agree to adhere to Alga Norte Park Aquatic Center facility use regulations.

O. NON PROFIT USER CRITERIA

1. In order to qualify as resident nonprofit, nonpaid management user group, the organization must meet all of the following criteria:
 - The organization must be registered as a nonprofit corporation with the State of California and be a Carlsbad Chapter

- In addition to the state nonprofit corporation status, the organization must provide the department their Articles of Incorporation or Constitution and bylaws that clearly state that the objective of the organization is of a nonprofit, noncommercial nature
 - Classification assignment for sports organizations utilizing athletic fields will be based on player rosters, including player addresses, and the organization must have 70% of the players residing in Carlsbad to qualify for resident nonprofit groups. Groups that do not have 70% of players residing in Carlsbad will be placed into a lower priority category
 - Verification of Carlsbad residency is required
 - Board meeting minutes from the last three meetings
2. Nonprofit sports organizations requesting athletic field use are required to submit player rosters a minimum of 90 calendar days prior to the field allocation meeting. The rosters must be verified by one governing association (main chapter parent organization), which will be used to determine classification status. These rosters must come from the governing organization and be signed by the league's board of officers. Player addresses with a post office box number will not be accepted.

If governing organization does not exist, then staff will need temporary access to requesting organizations online registration account to verify residency.

3. Department staff will return rosters once classification is determined. Once the classification determination has been made by staff and approved by the department director, the decision is final.
4. The organization must submit the following documents:
- The documents identified in O-1 above.
 - Financial verification of organization's tax exemption from income tax returns/filings. Department of the Treasury form 990 and 501(c) approved determination letter from the IRS is required, Application for Recognition form 1023, and filed financial records from previous two years.
 - A signed statement verifying item 1 above. Sports organizations see numbers 3 and 4 above.
 - A Carlsbad charter.